

**SO ORDERED.**

**SIGNED this 05 day of November, 2010.**



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**ROBERT E. LITTLEFIELD, JR.  
CHIEF UNITED STATES BANKRUPTCY JUDGE**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK  
IN RE

COLUMBUS ALLEN

CHAPTER 13

CASE NO. 10-11810-1-rel

DEBTOR

JUDGE: Robert Littlefield, Jr.

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**ORDER CONDITIONALLY GRANTING RELIEF  
FROM THE AUTOMATIC STAY**

Upon the Motion of HSBC Bank USA, National Association, as Trustee for PHH 2007-2 dated October 4, 2010, with exhibits attached thereto with proof of service upon the Trustee, Debtor and Debtor's Attorney; and the Motion having come to be heard on October 28, 2010; and the parties having agreed to resolve this Motion with a Conditional Order, it is hereby:

**ORDERED** that the motion of HSBC Bank USA, National Association, as Trustee for PHH 2007-2 is conditionally granted as more fully set forth below, and it is further

A. **ORDERED** that on or before February 1, 2010, the Debtor shall pay all post-petition arrears owed on the mortgage through October 31, 2010; such payments to include principal, interest, late charges and attorney's fees in the sum of \$3,605.80. Said payment in certified funds payable to PHH Mortgage Corporation shall be sent to the following address:

Shapiro, DiCaro & Barak, LLC  
250 Mile Crossing Boulevard  
Suite One  
Rochester, NY 14624

The sum of \$3,605.80 consists of the following:

03 monthly payments at \$1,015.06 each (August 2010 through October 2010)	= \$	3,045.18
03 late charges at \$13.54 each (August 2010 through October 2010)	= \$	40.62
Insufficient fund fees	= \$	20.00
Bankruptcy Filing Costs	= \$	150.00
Bankruptcy Attorneys' fees	= \$	350.00
 TOTAL	= \$	 3,605.80

B. **THAT**, Debtor shall make the regular monthly payments to HSBC Bank USA, National Association, as Trustee for PHH 2007-2 at the address listed below by the 15th of each and every month commencing November 1, 2010.

PHH Mortgage Corp.  
2001 Bishops Gate Blvd.  
Mt. Laurel, NJ 08054  
Attn: Mail Stop SV-01 (LOGS)

C. **THAT**, in the event the Debtor fails to tender the sums due under paragraph A herein above, and upon the issuance of an Ex Parte Order Granting Relief from the Automatic Stay, then the automatic stay shall be deemed to have been vacated with respect to the mortgage held by HSBC Bank USA, National Association, as Trustee for PHH 2007-2, to allow HSBC

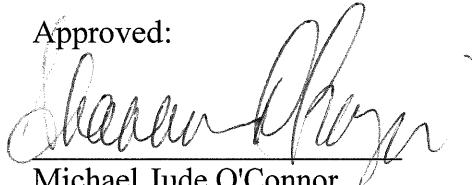
Bank USA, National Association, as Trustee for PHH 2007-2 to foreclose on the mortgage and the real property known as 5 Rawson Street, Albany, NY 12206, (the "Property").

D. **THAT**, in the event the Debtor fails to make any one payment due under paragraph B above and thereafter fails to cure said default within ten (10) days from the date of service of a written Notice to Cure upon the Debtor and Debtor's Attorney, and upon issuance of an Ex Parte Order Granting Relief from the Automatic Stay then the automatic stay shall be lifted of this Court to allow HSBC Bank USA, National Association, as Trustee for PHH 2007-2 to foreclose on the Mortgage and the Property; and it is further

**ORDERED** that in the event that three (3) notices to cure have been sent to Debtor as a result of three defaults under this Order and there is a fourth default, the automatic stay will be vacated without notice to the Debtor or Debtor's Attorney, and it is further

**ORDERED** that the case trustee shall be given notice of surplus monies that may exist after the sale.

Approved:



Michael Jude O'Connor  
Attorney for Debtor's

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